

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently amended) A tool for preparing vertebral bodies for an implant comprising: a cutter having,

a forked end having a first tine and a second tine, [[wherein]] said first and said second tines both having an upper surface and a lower surface, and both having an inner side and an outer side, wherein the inner side extends between the upper surface and the lower surface, and the outer side extends between the upper surface and the lower surface,

a first cutting blade extending from the upper surface of said first tine and flush with the inner side of said first tine;

a second cutting blade extending from the upper surface of said second tine and flush with the inner side of said second tine and, said first and second cutting blades extending in a first direction from said first and said second tines; wherein the first and second cutting blades are adapted to cut a first pair of grooves in a first vertebral body in the first direction;[[,]] and

a third cutting blade extending from the lower surface of said first tine and flush with the outer side of said first tine; and

a fourth cutting blade extending from the lower surface of said second tine and flush with the outer side of said second tine and, said third and fourth cutting blades extending in a second direction from said first and said second tines and said third and fourth cutting blades are placed further apart than the first and second cutting blades; wherein the third and fourth cutting blades are adapted to cut a second pair of grooves in a second vertebral body in the second direction; wherein the second direction [[being]] is opposite from the first direction and the first and second pair of grooves are cut simultaneously in the first and second vertebral bodies, wherein the first, second, third, and fourth cutting blades each comprise a leading cutting edge extending substantially parallel to one of the inner and outer sides of the first or second tines.

2. (Previously presented) The tool according to claim 1 wherein the tool is hand held; wherein the first and the second cutting blades are parallel to each other and over the entire length of the blade cutting surface, the first and second cutting blades are parallel to a handle of the tool, such that with the handle moving in a horizontal plane the first and second cutting blades will cut parallel grooves in the horizontal plane.

3. (Canceled).

4. (Original) The tool according to claim 1 wherein the two tines have beveled leading edges.

5-6. (Canceled).

7. (Previously presented) The tool according to claim 1 wherein the first and second cutting blades are coplanar with the inner side of each tine.

8. (Previously presented) The tool according to claim 1 wherein the third and fourth cutting blades are coplanar with the outer side of each tine.

9. (Previously presented) The tool according to claim 1 wherein the first, second, third and fourth cutting blades are positioned and adapted to bypass nerves.

10. (Previously presented) The tool of claim 1 wherein the first and second tines have inboard and outboard beveled surfaces that converge and the first and second cutting blades have surfaces that are continuous with the inboard beveled surfaces and the third and fourth cutting blades have surfaces that are continuous with the outboard beveled surfaces.

11. (Previously presented) The tool of claim 1 wherein the first and second cutting blades are upper cutting blades and the third and fourth cutting blades are lower cutting blades.

12. (Previously presented) The tool of claim 1 wherein the third and fourth cutting blades are lower cutting blades positioned and adapted to bypass nerves.

13-32. (Canceled).

33-46. (Canceled).

47. (Currently amended) A tool for preparing upper and lower vertebral bodies for an implant, the tool comprising:

(a) a cutter body having a thickness dimension to distract the upper and lower vertebral bodies apart a distance to receive an implant;

(b) a first pair of cutting blades protruding upwardly from the cutter body and adapted to cut a first pair of grooves in the upper vertebral body, wherein each blade of the first pair of blades [[are]] is parallel to one another, and each blade of the first pair of blades includes a leading cutting edge extending in the upward direction above the cutter body; and

(c) a second pair of cutting blades protruding downwardly from the cutter body and adapted to cut a second pair of grooves in the lower vertebral body, wherein each blade of the second pair of blades [[are]] is parallel to one another, and each blade of the second pair of blades includes a leading cutting edge extending in the downward direction below the cutter body, wherein the second pair of cutting blades are placed further apart than the first pair of cutting blades and wherein the first and second pair of cutting blades are parallel to one another,

such that when the first pair of cutting blades cut first grooves [[in]] through a first horizontal plane the second pair of cutting blades will cut second grooves [[in]] through a second horizontal plane, wherein the first and second pair of grooves are parallel and are cut simultaneously in the upper and lower vertebral bodies; wherein the second pair of cutting blades are outboard of and spaced from the first pair of cutting blades.

48. (Currently amended) A tool for preparing upper and lower vertebral bodies for an implant comprising:

a cutter having,

a forked end having a first tine and a second tine, wherein said first and said second tines each comprise having an inner side and an outer side,

a first and a second cutting blade of a first pair of cutting blades respectively extending in a pair of planes offset from plane lateral to the sagittal plane from the inner side of said first and said second tines and extending in a first direction from said first and said second tines, the first pair of cutting blades adapted to cut a first pair of grooves in the upper vertebral body, and

a third and a fourth cutting blade of a second pair of cutting blades respectively extending in a pair of planes offset from plane lateral to the sagittal plane from the outer side of said first and said second tines, wherein the second pair of cutting blades are placed further apart than the first pair of cutting blades and the second pair of cutting blades extending in a second direction from said first and said second tines; wherein the second direction being opposite from the first direction, the second pair of cutting blades [[are]] being adapted to cut a second pair of grooves in the lower vertebral body, wherein the first and second pair of grooves are cut simultaneously in the upper and lower vertebral bodies, wherein each blade of the first pair of cutting blades and each blade of the second pair of cutting blades comprises a leading cutting edge extending in a direction substantially parallel to the sagittal plane.

49. (Currently amended) A tool for preparing upper and lower vertebral bodies for an implant, the tool comprising:

- a. a cutter body having a thickness dimension to distract the upper and lower vertebral bodies apart a distance to receive the implant;
- b. a first pair of cutting blades protruding upwardly from the cutter body and adapted to cut a first pair of grooves in the upper vertebral body, each blade of the first pair of blades including a leading cutting edge extending in the upward direction above the cutter body; and
- c. a second pair of cutting blades protruding downwardly from the cutter body and adapted to cut a second pair of grooves in the lower vertebral body, each blade of the second pair of blades including a leading cutting edge extending in the downward direction below the cutter body, wherein the second pair of cutting blades are placed further apart than the first pair of cutting blades and wherein the first and second pair of cutting blades are parallel to one another, such that when the first pair of cutting blades cut the first pair of grooves [[in]] through a first horizontal plane through the upper vertebral body the second pair of cutting blades will cut parallel second pair of grooves [[in the]] through a second horizontal plane through the lower vertebral body, wherein the first and second pair of grooves are cut simultaneously in the upper and lower vertebral bodies; wherein the second pair of cutting blades are spaced from the first pair of cutting blades by the thickness dimension of the cutter body.

50. (Currently amended) A tool with a handle by which it is held, for preparing upper and lower vertebral bodies for an implant, the tool comprising:

- a. a cutter body having a thickness dimension to distract the upper and lower vertebral bodies apart a distance to receive the implant;
- b. a first pair of cutting blades protruding upwardly from the cutter body and adapted to cut a first pair of grooves in the upper vertebral body, each blade of the first pair of blades including a leading cutting edge extending in the upward direction above the cutter body; and
- c. a second pair of cutting blades protruding downwardly from the cutter body and adapted to cut a second pair of grooves in the lower vertebral body, each blade of the second pair of blades including a leading cutting edge extending in the downward direction above the cutter body, wherein the second pair of cutting blades are placed further apart than the first pair of cutting blades and wherein the cutting blades of the first and second pairs of cutting blades are parallel to one another and wherein for the entire length of the blade cutting surface, the blades are parallel to the handle of the tool, such that with the handle moving in a horizontal plane the pair of first and second cutting blades will simultaneously cut parallel first and second grooves in the upper and lower vertebral bodies through respective [[in the]] horizontal planes.